

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

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|--------------------------------------|---|------------------------------------|
| SAMUEL JOSEPH ORLANDO, |) | |
| Plaintiff, |) | Civil No. 5:22-cv-062 |
| |) | |
| v. |) | |
| |) | |
| SHERIFF DONALD SMITH, et al., |) | By: Michael F. Urbanski |
| Defendants. |) | Chief United States District Judge |

ORDER

This matter is before the court on defendants Smith and Jenkins' motion to dismiss, ECF No. 10; defendants Smith and Jenkins' motion to stay, ECF No. 14; defendants BN and RBN's motion to stay, ECF No. 17; defendants BN and RBN's motion for extension of time to file responsive pleadings, ECF No. 16; defendants BN and RBN's motion to continue, ECF No. 33; and plaintiff's motion for protective order and expedited discovery, ECF No. 34. The court heard argument on all these matters on February 1, 2023. After reviewing the briefing, supporting materials, and considering the arguments, the court rules as follows:

1. Pursuant to the court's authority under Rule 21 of the Federal Rules of Civil Procedure, Counts 4, 5, 6, and 9 of the complaint are **SEVERED** from the Complaint, ECF No. 1, and these counts will proceed as a separate suit. The clerk's office will docket these counts and assign a separate civil action number.
2. Defendants BN and RBN have **fourteen (14) days** to file a responsive pleading to any claims in either suit against them.

3. The motion to dismiss, ECF No. 10, and the motions to stay, ECF Nos. 14 & 17, are **TAKEN UNDER ADVISEMENT**. The court will issue a written decision on those motions.
4. All discovery shall be **STAYED** pending the court's written decisions on the motion to dismiss and the motions to stay.
5. Plaintiff's motion for a protective order and expedited discovery, ECF No. 34, is **GRANTED IN PART** to the extent that defendant BN shall have no communication with any party, witness, or potential witness in this matter regarding the issues in this case. This includes communication via Snapchat, Facebook Messenger, or any form of social media. This does not include communication with law enforcement in the course of any related criminal investigation. Plaintiff's motion is **DENIED IN PART** to the extent that the court is not granting expedited or limited immediate discovery.
6. Defendants BN and RBN's motion for extension of time to file responsive pleadings, ECF No. 16, and motion for a continuance, ECF No. 33, are **DISMISSED AS MOOT**.

It is **SO ORDERED**.

Entered: February 2, 2023



Digitally signed by Michael F.
Urbanski Chief U.S. District
Judge
Date: 2023.02.02 11:09:55 -05'00'

Michael F. Urbanski
Chief United States District Judge